

Postal Regulatory Commission
Office of the Chief Admin. Officer

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268

DEC 10 2012
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In the Matter of

Docket No.: A 2013-3

Climax GA 39834
Post Office State ZIP Code

City of Climax Petitioner(s)

PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the _____ post office. The Final Determination was posted _____ (date).

2. In accordance with applicable law, 39 U.S.C. § 404(d)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's Final Determination on the basis of the Administrative Record before the Postal Service in the making of the Final Determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. (See pages 1 and 3 of the Instructions for an outline of the kinds of reasons the law requires us to consider.) Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.



City of Climax Georgia
105 Drane Street
Climax Georgia 39834
Telephone: Office: 229-246-0467 Fax: 229-248-1035

Office of the Secretary
Postal Regulatory Commission
901 New York Avenue, NW, Suite 200
Washington, DC 20268

Dear Sir:

On behalf of the City of Climax Georgia I would like to file an appeal on the closing of the Post Office located at 102 West Broad Street in Climax Georgia.

The closing of our post office was done unfairly and followed no guild lines of any kind. On 9/17/2012 a Public Notice was put on the post office door stating the Postal Service would be holding a meeting on 11/8/12 to answer questions and provide additional information about POST plan. At the local meeting the management would share the results of the surveys. It also stated that no decision would be made until after the meeting. (See letter enclosed).

On October 19, 2012 a letter was posted on the post office door. This letter stated that the operations at the Climax Post Office will be suspended effective October 31, 2012. (See enclosed letter)

On October the first surveys starting hitting the mail stream. Survey is dated 9/28/12. This letter stated that we have until 10/25/12 to return the survey. (See enclosed letter)

On 10/25/2012 a flyer was posted that the Climax Post Office will suspend service effective Wednesday October 31, 2012. A village post office designed at Ware and Sons is under construction and will be opened soon. (See Flyer enclosed)

When we asked Betty Thomas the OIC at the Climax Post office question she could not supply us with answered because she was told to make no comments. She could not tell me for sure if

the meeting was going to still take place. I asked her for the Postal Service's Final Determination and was told she didn't have one and stated she didn't know what one was.

The Citizens here didn't know if the meeting was still going to take place, because when we asked Betty Thomas of the Climax Post Office we were told that Pat Brinson of the Whigham Post Office would not give an answer and Stacy Brinson would not give an answer.

On 11/8/12 Angela Collier and Stacy Brinson came to a meeting located outside of the Climax Post Office. She stated that the post office had to have an emergency closing, because the Postal Service could not come to an agreement with Morgan Wolaver about the lease agreement. She also stated that she didn't have the results of the surveys and that the surveys had nothing to do with the decisions being made about the status of the Climax Post Office. She also stated that the Postal Service was not closing the post office, but suspending the service out of this building. She stated that the Postal Service would still talk to Mr. Wolaver about the lease on the building and it was possible that the Post Office would reopen in this building or another building in this area. When Ms. Collier was asked if the Postal Service would let the citizens know of any further information on the Post Office reopening or staying closed she stated no.

When I asked Ms. Collier about the Final Determination that was supposed to be posted on the door. She asked me what one was. She could not tell me where to get one.

I believed that the Postal Service regulations require that a copy of the Administration records are to be available at the affected post office and to be posted 60 days before the post office is closed or consolidated.

Ms. Collier could not answer many of the questions she was asked and continue to blame Mr. Wolaver for the closing of our post office.

Adequate notice was not given to the citizens of Climax to give their input on the closing of the Climax post office. The City of Climax and the citizens were kept in the dark up to the closing of our post office.

I do not believe that the Post Service considered what it would do to our town if they closed our post office. I do not believe they consider our elderly people here in Climax.

The village post office that has been placed inside of a hardware store is not handicap friendly. There is very little parking and the drop off box for the mail is located in the middle of the store parking area. If people drive up to this box they will be driving between the gas pumps and the front door of the store if someone comes out the door at the time someone is drive up to the box someone is going to get hit. Then if someone comes up and parks the person at the drop off box will have to back up.

The step down where the P O Boxes are located is not safe for the elderly and impossible for the handicap in wheel chairs. There is a door that enters from the store side but what

happens when the store is closed and elderly person that must enter from the other door falls when no one is around.

I have talked with Mr. Wolaver and he has given me a copy of the letter sent to Mr. McMurry. (see Letter)

Mr. Wolaver has also stated that he talked with Mr. McMurry since the meeting on 11/08/2012 because Mayor Hadsock told him that Ms. Collier stated that the Postal Service would be interested in talking with Mr. Wolaver about the lease.

Mr. McMurry stated that he was not interested in reopening the post office in Mr. Wolaver's building.

We had people coming from all over to visit our post office. They wanted their letters to be post marked from Climax Georgia. We had people that would come from Bainbridge Georgia that didn't want to wait in line at their post office. People that came from Whigham Georgia because that did not like the service they received from their post office.

We ask that you review this matter and consider our appeal and reopen our post office.



Karen Toole
City Clerk
Citizen of Climax Georgia

MORGAN L. WOLAVER

122 Tilden Avenue,
Richmond, VT. 05477

PH: (802)989-1546

Email: mlwolaver@earthlink.net

October 2, 2012

via email: william.l.mcmurry@usps.gov

William McMurry
UNITED STATES POSTAL SERVICE
7800 N Stemmons Freeway, Suite 400
Dallas, TX 75266-7180

**RE: CLIMAX, GA. POSTAL LEASE
WM VENTURE LESSOR**

Dear Mr. McMurry,

This letter serves to summarize WM Venture attempt to provide reasonable Fair Market rent terms to USPS and also as **notice** for Walk-Through inspection at Climax, Georgia on October 31, 2013 if the USPS chooses not to renew lease by that date.

WM Venture made several Fair Market lease term proposals to Ms. Yvette Berry with CBRE. The last proposal was forward to Ms. Berry on 9/19/2012 as follows:

- Rents of \$8.75/s.f.
- 5 years lease term
- No termination clause

Email was sent to you on same day declining your request to extend present lease 30-days.

The initial proposal on lease terms was received from CBRE in mid July, 2012 at \$21,984 annual rent or \$11.84/SF for 5 years term, adding a 365 day termination clause. WM Venture countered with proposal on 7/25/2012 with three options: Option 1 - \$21,984.00 or \$11.84/SF adding a 365 day termination clause that may not be exercised in the first year. Option 2 - \$18,500.00 or \$9.97/SF, no termination, 5-year term. Option 3 - \$24,000.00 or \$12.93/SF, no termination, 5 year term, landlord to take on maintenance and pay real estate taxes. USPS responded stating that the options were all over market and asked for \$8.50/SF with a 60-day termination, or below \$8.00/SF and no termination. WM Venture responded with counter offer on 8/8/2012 at \$9.50/SF, 5 years term, and no termination clause based on fair market rental rate summarized in spreadsheet provided to Ms. Berry (copy included herewith).

I followed up with Ms. Berry on September 13, 2012 for an update on negotiations and then received a call from you that night at 7:30pm requesting a 30 days extension for USPS to vacate building to establish Village Post Office (VPO). You also informed me

that all of our proposals were reject because the USPS established \$8.00/s.f. as the fair market rent based on an average of all the surrounding postal leases.

In arriving at rents of \$10.00/s.f., I used the same approach CBRE/USPS has used on the past 4 Postal lease negotiations with me, that is rents based on the active market. (The CBRE/USPS position has been that rents are dictated by the market and that other Post Offices are not a good indicator of rents). I consulted with a local commercial real estate Broker in Bainbridge who arrived at a present fair market rent for a property similar to Climax PO of \$10.00/s.f. NNN. The USPS FOIA lease database list other postal leases in the area of same structure and age at \$10 to \$12 per square.

The concept of using average rent of all Post Offices in the region is arbitrary and biased as it did not properly adjust for differences in age, land, parking, design-built improvements nor considers non-post office properties for comparison. This represents a double standard.

There is also the issue of whether the USPS is using the VPO as alternative quarters for a Main Post Office. The Postal Regulatory Commission Chairwoman Goldway has stated that a VPO is not an alternative for replacing a Main Post Office per the POSTPlan.

To my knowledge the Mayor and residents of Climax, Georgia have not been advised that the Post Office is being replaced with a VPO, nor did they receive the POSTPlan survey and community meeting.

I remain open to arriving at an agreement for a long-term lease with the USPS. Please do not hesitate to contact me if you should have any questions.

Sincerely,

Morgan Wolaver, partner
WM Venture

cc: Y. Berry -CBRE, S. Rybicki - USPS
C Hodson – Mayor Climax,

CLIMAX, GEORGIA MPO COMPARABLE RENT DATA							
USPS FOIA DATA							
AREA		QTY	Min SF	Max SF	From Year	To Year	Avg. \$/sf
S.GA.		72	1800	9500	1975	2002	\$11.67
		N/A	1800	4000	1975	2002	
		26	1800	2800	1975	2002	\$10.99
		7	1800	2800	1980	1984	\$11.84
N.FL.		96	1800	9500	1975	2002	\$12.85
		57	1800	4000	1975	2002	\$12.52
		34	1800	2800	1975	2002	\$11.68
		12	1800	2800	1980	1984	\$11.11
LOOP-NET DATA - RETAIL/OFFICE							
S.GA & N.FL.	TOWN	QTY	Min SF	Max SF	Min. rent	Max. rent	
	Havana	3	1068	2400	\$10.67	\$16.00	\$12.89
	Quincy	2	2400	3000	\$6.00	\$9.95	\$7.98
	Cairo	2	1000	6000	\$8.40	\$10.00	\$9.00
	Thomasville	6	1750	10142	\$9.95	\$14.00	\$10.82
	Bainbridge	5	1050	7660	\$7.00	\$16.00	\$11.23
	Range			NNN		\$6.00	\$16.00
				Mod. Gross		\$8.47	\$13.00
	AVERAGE ALL REAL ESTATE =						\$11.21
NOTES							
- Strip retail centers are mainly NNN with a few Modified Gross Leases.							
- Free Standing office or retail are all NNN with one Full Service.							

10/25/12

**The Climax Post Office will suspend service effective
Wednesday, October 31, 2012.
Services provided at this unit are available at**

Collier
10/26/12

**Whigham Post Office
115 W Broad Ave, Whigham GA 39897**

Mon-Fri

8:00 a.m. – 12:30 p.m., 2:00 p.m. – 4:30 p.m.

Sat

8:00 a.m. – 10:00 a.m.

A Village Post Office designed at Ware and Sons is under construction and will open soon.

The U.S. Postal Service apologizes for any inconvenience experienced.



Thank you for your continued patronage of the United States Post Office.

Visit us also at www.usps.com



CLIMAX
451 COLLEGE ST RM 222D
MACON GA 31213-6705



POSTAL CUSTOMER
PO BOX 156
CLIMAX GA 39834-0156

09/28/2012

Dear Customer:

The Postal Service has established a review process for certain Post Offices known as the POST Plan. The Climax Post Office was among the offices evaluated under the POST Plan criteria. The Postal Service is now soliciting community input through the enclosed survey to help determine the best course of action for providing postal services to your community.

After receiving the results of this survey, the Postal Service will examine the responses and, unless the community has a strong preference (more than 60 percent) for conducting a discontinuance study for the Climax Post Office and establishing one of the additional sources of services described below, the Postal Service intends to maintain the Climax Post Office with 6 hours of window service each weekday. Current Saturday window service hours and access to delivery receptacles will not change as a result of the POST Plan realignment of weekday window service hours.

In addition to this survey, the Postal Service will hold a meeting at the Climax Post Office at 102 W Broad St, Climax Ga, 39834 on 11/8/2012 at 1:00 PM to answer questions and provide additional information about POST Plan. At the meeting, local management will share the results of the survey, answer questions, and solicit input regarding the time of day the Post Office will be open. Although survey results will be known and shared, the Postal Service will not make a final decision regarding this office until after the public meeting. This will enable the Postal Service to obtain all community input and opinions, from both the surveys and the meeting, before making a final decision.

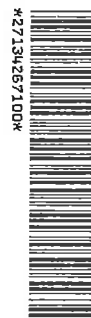
The Postal Service is also seeking locally established businesses or organizations to serve as contractor-operated postal retail units in communities like yours. If you are interested in operating a postal retail unit, please visit the website at <http://about.usps.com/news/electronic-press-kits/expandedaccess/welcome.htm> for additional information. Generally, these contractor-operated postal retail units will operate in combination with a community's Post Office. However, selection of the third option in the attached survey indicates a preference of your Post Office to be studied for discontinuance with the establishment of a contractor-operated unit as a replacement for the Post Office.

Please return the enclosed survey in the postage-paid envelope provided by 10/25/2012. We kindly request the inclusion of your mailing address so that we can ensure that one survey response is submitted per address. Please note that your response may be entered into a publicly accessible record.

Thank you for your cooperation.

Sincerely,

Alice Ryle
CsdC Coordinator





UNITED STATES
POSTAL SERVICE

October 19, 2012

Dear Post Office Box Customer:

This letter is provided to advise you that operations at the Climax Post Office will be suspended effective October 31, 2012.

Effective November 1, 2012, your Post Office box mail will be available in the Centralized Box Units near the new Village Post Office (VPO) in Climax. This VPO will be located in the S&C Grocery and Hardware, 115 West Broad Street, Climax, Georgia 39834. They will provide stamps and flat-rate Priority Mail prepaid packaging for your mailing needs. In addition, your Rural carrier can sell Postal money orders, stamps, and mail packages for you. A mailbox for physical address delivery is required to get these services from a carrier. Please contact the Whigham Postmaster for further questions.


After October 31, 2012, any items normally picked up at the Climax Post Office will be available at the Whigham Post Office located at 115 West Broad Avenue, Whigham, Georgia 39897. Their hours of operation are Monday through Friday 8:00 a.m. to 1:30 p.m.; 2:00 p.m. to 4:30 p.m., and Saturday 8:00 a.m. to 10:00 a.m.

Although your delivery will be from Whigham Post Office, you will continue to use Climax, GA 39834 as your mailing address. As further information, the nearest full-service Post Offices are Whigham and Bainbridge (401 North West Street, Bainbridge, Georgia 39817; Monday-Friday 8:30 a.m. to 5:00 p.m.; and Saturday 9:30 a.m. to 11:30 a.m.).

Please accept our apologies for any inconvenience you may experience as a result of this change. Thank you for your patience, and please be assured further information will be available soon.

If you have any questions regarding this matter, you may contact the Whigham Postmaster, Pat Brinson at (229) 762-3267.

Sincerely,


Steve Cruz

PUBLIC NOTICE

POST OFFICE COMMUNITY MEETING - CLIMAX PO

09/17/2012

The Postal Service will hold a meeting to answer questions and provide additional information about POST Plan. At the meeting, local management will share the results of the survey and answer questions. Although survey results will be known and shared, the Postal Service will not make a final decision regarding this office until after the public meeting. This will enable the Postal Service to obtain all community input and opinions, from both the surveys and the meeting before making a final decision.

Below are the options that the Postal Service is considering. If you did not receive a survey and would like to fill one out, surveys are available at the counter.

1. Keep the office open, based on actual office workload. In the case of CLIMAX PO, hours would be reduced from 8 hours each weekday to 6 hours per weekday. Current Saturday hours will not change as a result of POST Plan and access to your delivery receptacles will not be impacted by POST Plan.
2. Conduct a discontinuance study for the office and offer roadside mailbox delivery. Retail and delivery service would be provided through a rural carrier. Mail delivery points will be established and customers can purchase most postal services through the carrier or other alternate access points.
3. Conduct a discontinuance study for the office and find a suitable alternative location operated by a contractor, usually at a local business. When businesses are found that meet the criteria, these establishments are contracted through the U.S. Postal Service and offer stamps and flat rate products with service hours generally more expansive than what the local Post Office will be able to offer.
4. Conduct a discontinuance study for the office and provide P.O. Box service via another nearby Post Office and relocate P.O. Box delivery to that Post Office.

MEETING DATE: 11/08/2012

MEETING PLACE: Climax Post Office
102 W Broad St
Climax , Ga 39834

MEETING TIME: 01:00 PM